

### REMARKS

The Office Action of April 10, 2008 has been reviewed and the Examiner's comments carefully considered. Claim 1 has been amended by way of this Amendment. Accordingly, claims 1-34 are currently pending in this application, and claims 1, 19, 22, and 27 are in independent form. Support for the amendment can be found in Figs. 19A-19C, at pages 12-13, paragraphs [0060] and [0062]-[0063] and at pages 16-18, paragraphs [0071]-[0077] of the Specification. Applicant respectfully submits that no new matter is being added by way of this Amendment.

#### Allowable Subject Matter

Initially, the Applicant thanks the Examiner for indicating that the subject matter of claims 8-12 and 15-34 define over the prior art of record. Specifically, the Examiner has indicated that claims 19-34 are allowed, and that claims 8-12 and 15-18 would be allowable if rewritten in independent form including the base claim and any intervening claims.

#### Telephone Interview

Applicant would also like to thank the Examiner for discussing the current application and claim 1 with Applicant's Attorney in a telephone conversation on July 8, 2008 and for considering Applicant's proposed amendment to claim 1 with respect to the cited prior art. During the interview the Examiner agreed that the proposed amendment overcomes the rejection based upon United States Patent No. 4,887,998 to Martin et al. and made further suggestions for further clarifying the claim language. Claim 1 has been amended in accordance with the proposed amendment discussed during the telephone interview and the Examiner's suggestions for further clarifying the claim language.

#### 35 U.S.C. §102 Rejections

Claims 1-7, 13, and 14 stand rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,887,998 to Martin et al. (hereinafter "Martin").

Claim 1 has been amended to recite, *inter alia*, claimed subject matter as to a lock that comprises a releasable abutting engagement with the shield, an actuator for releasing the

lock and a retaining member that comprises a releasable abutting engagement with the shield distinct from the abutting engagement of the lock. After release of the abutting engagement of the lock, the retaining member engages the shield. The shield is prevented from moving to the fully extended position until the abutting engagement of the retaining member is disengaged from the shield.

As acknowledged by the Examiner in the telephone interview of July 8, 2008, Martin does not teach or suggest a lock comprising a releasable abutting engagement with the shield, an actuator for releasing the lock and a releasing element comprising a releasable abutting engagement with the shield distinct from the abutting engagement of the lock, wherein after release of the abutting engagement of the lock, the retaining member engages the shield, and wherein the shield is prevented from moving to the fully extended position until the abutting engagement of the retaining member is disengaged from the shield, as is currently claimed. Rather, Martin discloses an abutting engagement between the catch (31) formed on the needle base (21) and the hook (29) formed on the protective sheath (25). After release of the abutting engagement between the catch (31) and the hook (29), the protective sheath (25) is released to the extended position. Please note Figs. 4, 5, and 8, column 2, line 65 to column 3, line 22 and column 3, line 56 to column 4, line 2 of Martin.

For the foregoing reasons, Applicant respectfully submits that independent claim 1, as well as claims 2-7, 13, and 14 depending therefrom, is allowable, as the prior art of record, including Martin, fails to teach or suggest the claimed subject matter. Applicant respectfully request that the rejection of these claims be withdrawn.

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Conclusion

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 1-7, 13, and 14 and continued allowance of claims 8-12 and 15-34 is respectfully requested.

Respectfully submitted,

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